

REMARKS

This communication is in response to the Office Action dated January 5, 2005. Applicants respectfully request reconsideration of this application in view of the present amendments and the following remarks. Upon entry of this amendment, claims 1-6, 8-11, 13-17, and 19-23 remain pending and at issue with claims 1, 8 and 17 being independent. Independent claims 8 and 17 have been amended to incorporate corresponding features of allowed independent claim 1. Claim 19 has also been amended and claim 12 has been cancelled.

If any extension of time is required in connection with this communication, the Commissioner is authorized to charge the requisite fee to Deposit Account No. 13-2855.

Claims 1-6 have been allowed. Claims 12 and 19 stand finally rejected under 35 U.S.C. §112, second paragraph. Claims 8-14, 16-20 and 22 stand finally rejected under 35 U.S.C. §103(a) as being unpatentable over Fowler et al. (5,464,149) in view of King (3,258,114). Claims 8-15 and 17-21 stand finally rejected under 35 U.S.C. §103(a) as being unpatentable over O'Neill (5,505,371) in view of King. Claims 16 and 22 stand finally rejected under 35 U.S.C. §103(a) as being unpatentable over the art as applied to claims 13 and 19 above, and further in view of Edgerton Jr., et al. (5,372,299). Claim 23 stands finally rejected under 35 U.S.C. §103(a) as being unpatentable over O'Neill and the other art as applied to claim 17 above, and further in view of Ockey (3,955,671).

As will be appreciated, Applicants have amended each of independent claims 8 and 17 to incorporate corresponding features of allowed independent claim 1 that were set forth in the amendments to the claims contained in the response filed November 24, 2004. These features include receiving the dividers as extending "partially inward from a corresponding one of said side walls" to define at least two compartments "and an unobstructed center viewing area for a product displayed and supported therein". Clearly, these features of the insert for the product display and support carton are missing in the art as has been acknowledged by the allowance of independent claim 1.

In view of the foregoing, Applicants respectfully submit that amended independent claims 8 and 17 patentably distinguish over the art and are in condition for allowance. Similarly, dependent claims 9-11 and 13-16 as well as dependent claims 19-23 patentably distinguish over the art of record and are in condition for allowance.

As previously noted, dependent claim 12 has been cancelled and dependent claim 19 has been amended so as to be dependent upon independent claim 17 thereby obviating the rejection of claims 12 and 19 under 35 U.S.C. §112, second paragraph.

In view of all of the foregoing, Applicants respectfully submit that all of the claims remaining in this application are now in condition for allowance and, thus, Applicants respectfully solicit reconsideration and issuance of a formal Notice of Allowance.

Dated: April 5, 2005

Respectfully submitted,

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